

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:08cv376-01-MU

GEORGE LEE FARLOW, JR.,

Plaintiff,

v.

MABLE H. LOWMAN, et. al.,

Defendants.

ORDER

THIS MATTER comes before the Court upon Plaintiff's Motion for Declaratory Judgment, filed October 8, 2008.

On August 12, 2008, Plaintiff filed a Complaint pursuant to 42 U.S.C. § 1983 with this Court. After conducting an initial review, this Court dismissed Plaintiff's Complaint for failure to state a claim. Plaintiff then appealed this decision to the United States Court of Appeals for the Fourth Circuit. On September 19, 2008, the Fourth Circuit dismissed Plaintiff's appeal pursuant to Rule 42(b).

Plaintiff has now filed the instant Motion for Declaratory Judgment. Declaratory judgment is inappropriate as Plaintiff no longer has a case pending before this Court and his Motion is denied.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Declaratory Judgment is **DENIED**.

Signed: October 14, 2008



Graham C. Mullen
United States District Judge

